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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Special Committee decision of 11 August 1998 concerning Puerto Rico

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I. Introduction

1. At its 11th meeting, on 6 July 1999, the Special Committee adopted resolution A/AC.109/1999/28 on the question of the Special Committee decision of 11 August 1998 concerning Puerto Rico. In paragraph 7 of the resolution, the Special Committee requested the Rapporteur to submit a report to the Special Committee on the implementation of the resolution. The present report was prepared by the Rapporteur of the Special Committee in response to that request. It considers the question of Puerto Rico in the light of previous reports prepared by the Rapporteur, recent political developments in Puerto Rico, action taken by United Nations bodies on the question and the views of the parties concerned.

II. Information on Puerto Rico

A. General background

2. Puerto Rico is the most easterly and smallest island of the Greater Antilles in the Caribbean Sea. It has an area of 8,637.7 square kilometres, including the small nearby islands of Vieques, Culebra and Mona. More than three fourths of Puerto Rico is mountainous and the range that runs its length reaches an elevation of 1,219 metres at its highest point.

3. The population, which numbered approximately 150,000 at the beginning of the nineteenth century, increased to more than 2 million during the first half of the twentieth century. According to the 1990 census, the population totalled 3,522,037; in 1997 it was estimated at approximately 3.82 million. In addition, there are reported to be between 2.5 and 3 million Puerto Ricans residing on the mainland of the United States of America. The 1990 census calculated the population of San Juan, Puerto Rico's capital, to be approximately 438,000, and the most recent Census Bureau estimates (1997) suggest that this has changed by less than 1 per cent.

4. Puerto Rico was a colony of Spain from 1508 until 1898. Under the Treaty of Paris of 10 December 1898, marking the end of the Spanish-American war, the island was ceded to the United States, which established a military protectorate on the island between 1898 and 1900. In 1900, the United States Congress passed the Foraker Act, replacing the military Government with a civilian one that included a popularly elected legislature. The Governor and the members of the Executive Council, however, were appointed by Washington, D.C., and they retained broad powers over the legislature.

5. Self-government was strengthened by the Organic Act (the "Jones Act") of 1917, which added a bill of rights and a popularly elected senate to the governmental machinery established by the Foraker Act. The Governor remained a Washington D.C., appointee , however, and continued to hold veto power over legislation. The Act also conferred American citizenship on all Puerto Ricans, though the measure was opposed by the Cámara de Delegados, the popularly elected legislative body.

6. In 1948, during an extraordinary session of the Legislative Assembly, three laws designed to punish acts against the Government of Puerto Rico were passed. One of these was signed by the Governor and became Law 53, also known as the "Ley de la Mordaza", or the "Gag Law". According to this legislation, it became a felony to advocate the forceful destruction or overthrow of the island's Government. The law considered as felonious the printing or publishing of certain materials as well as the organization of groups or assemblies dedicated to overthrowing the Government. [1]

7. Also in 1948, following enactment by the United States Congress of Public Law 362, the first popular gubernatorial elections were held, ending the succession of Washington D.C.-appointed governors. In 1950, the United States Congress adopted Public Law 600 which provided for the organization of a constitutional government by the people of Puerto Rico. A referendum on the question was held and on 4 June 1951 the law was approved by 76.5 per cent of Puerto Ricans who voted. A constitutional convention was elected in August 1951 and a draft constitution was subsequently prepared. On 3 March 1952, the draft constitution was submitted to the people of Puerto Rico. It was approved by 81 per cent in a referendum in which 59 per cent of eligible voters participated. The draft was sent to the United States Congress for approval and was adopted on 25 July 1952, via Public Law 447, on the condition that specific changes be made to the Bill of Rights.[2] The changes were made despite some objections that the constitution could not be unilaterally modified by the United States Congress. The popular referendum and congressional ratification

created the "Commonwealth" of Puerto Rico, a loose translation of the Spanish term provided in the Constitution: "Estado Libre Asociado de Puerto Rico".

8. The Constitution of the Commonwealth of Puerto Rico is described in detail in the Rapporteur's report of 26 August 1974 (A/AC.109/L.976, paras. 91-119). In brief, the Government consists of: (a) a Governor elected for four years at each general election; (b) a Legislative Assembly comprising two houses; a Senate (27 members) and a House of Representatives (51 members), whose members are elected by direct vote of the adult population at each general election; and (c) a Supreme Court and lower courts. Puerto Rico is represented in the Government of the United States by a Resident Commissioner, who is a non-voting member of the United States House of Representatives, but a voting member of the committees on which he or she sits. Although it has its own courts, the Puerto Rican legal system is integrated into the United States federal judicial system via the First Circuit Court of Appeals and federal law trumps local law.

9. Even with the passage of Public Law 600 and the establishment of a constitutional government for Puerto Rico, all laws concerning the Territory's relations with the United States continued to remain in force. These provisions constituted the Federal Relations Act, which is described in detail in the Rapporteur's 1974 report (A/AC.109/L.976, paras. 120-132) and under which Act, Puerto Rico was brought within the trade, tariff and monetary systems of the United States. Furthermore, the United States undertook responsibility for the defence of Puerto Rico.

10. In 1958, a bill was enacted by Puerto Rico's Legislative Assembly requesting changes in the Federal Relations Act. The following year, only seven years after the ratification of the constitution, three bills requesting changes in the political status of the Territory were submitted to the United States Congress, but no action was taken on any of them. Further, in 1967, a plebiscite was held, offering inhabitants the choice between independence, becoming a part of the United States or maintaining the Commonwealth status. The latter option was upheld by 60.41 per cent of voters. These efforts to change and/or clarify the status of Puerto Rico relative to the United States are described in greater detail in previous reports by the Rapporteur (A/AC.109/L.976). For references to subsequent developments pertinent to the question of political status, see paragraphs 52 to 61 of the present report.

B. Economic development

11. Puerto Rico has an industrialized economy with particular characteristics derived from its island geography and close institutional links to the United States. The manufacturing sector, which includes operations in pharmaceuticals, electronics, and scientific and precision instruments, accounts for more than 40 per cent of the gross domestic product (GDP). Industrialization was encouraged by the Industrial Incentive Act of 1954, which granted concessions to North American companies that located plants on the island. In addition, section 936 of the United States Federal Tax Code provided generous tax incentives to such companies, including the right to tax-free repatriation of profits. Throughout the years, these policies helped to make Puerto Rico an "offshore manufacturing outpost"[3] of the United States, a status confirmed by its trade data: total trade represents more than 25 per cent of GDP; about 90 per cent of Puerto Rico's merchandise exports go to the United States; and imports of raw materials and finished products by United States firms on the island make up 85 per cent of total imports. About 10 per cent of Puerto Rico's GDP comes from tourism, the development of which has become a priority for the current Government.[4] However, Section 936 incentives are now being phased out and will be abolished altogether by 2007. Thus, the administration is attempting to shift the economic base from manufacturing to services, with emphasis on high technology business and research, as well as tourism.[5]

12. According to the Labor Department of Puerto Rico, in the year ending in October 1999, manufacturing employment declined by 8,000 jobs, a 5 per cent contraction from the previous year. Over the course of the past two fiscal years, the manufacturing sector has contracted by about 25,000 jobs.[6] In the first seven months of the 1998/99 fiscal year, total employment was up by only 0.4 per cent as compared to the previous fiscal year, continuing the trend of modest growth.[7]

13. Puerto Rico's budget for 1998/99 was $US 19.6 billion, up from $US 15 billion in 1997/98. Available funds will be increased further by the United States Congress's recent decision to raise Puerto Rico's share of United States rum-tax revenues from US$ 10.50, per

gallon sold, to US$ 13.25. Concerning inflation, official data show an average 5.2 per cent increase in 1998/99, as supplies of food — which figure prominently in the local consumer price index — were hindered by hurricane Georges.[8]

14. The gross national product (GNP) expanded by 4.2 per cent in fiscal year 1998/99, from 3.1 per cent in 1997/98, primarily owing to the inflow of remittances and other relief funds from the mainland following hurricane Georges, which swept through Puerto Rico in 1998. Government infrastructure expenditures, along with incentives for tourism and low-income housing development, are fuelling the construction sector. Accordingly, the Government has invested approximately $1 billion annually in recent years in such infrastructure projects.[9]

15. A new increase in the United States federal minimum wage, which is likely to rise to $6.15 per hour from the current $5.15 per hour, has been received with disfavour among Puerto Rican employers. Because a relatively sizeable percentage of Puerto Rican workers earn the minimum wage, the impact of United States minimum wage legislation is very strong in Puerto Rico. Labour-intensive industries on the island, such as the apparel and clothing industries, have already been experiencing the economic effects of the competition from low-wage locations such as Mexico, which is free to export to the United States and to Puerto Rico under the terms of the North American Free-Trade Agreement (NAFTA). Furthermore, the majority of public sector employees in Puerto Rico's municipalities are paid the minimum wage.[10]

16. According to forecast reports of the Economist Intelligence Unit, higher interest rates and rising petroleum prices are expected to contribute to a moderate slowing of private economic activity: hence, GNP growth in Puerto Rico is expected to slow to around 2.5 per cent in 1999/00 and by a slightly lower rate again in 2000/01.[11]

III. Recent developments

A. Political developments

17. In Puerto Rico's Executive Branch, the governor is elected for a four-year term by the people. Pedro Juan Roselló González of the ruling Partido Nuevo Progresista (PNP) has served as the island's Governor for two consecutive terms starting in 1993.[12] Puerto Rico's Legislative Assembly has two chambers: the Chamber of Representatives and the Senate. The Chamber of Representatives now has 54 members, elected for a four-year term, 40 elected in single-seat constituencies, 11 at large by proportional representation and 3 to allow the opposition to have one third of the seats. The Senado (Senate) has 28 members, elected for a four-year term: 16 members elected in two-seat constituencies, 11 at large by proportional representation and 1 to allow the opposition to have one third of the seats.[13]

18. In the period since last year's in-depth report by the Special Committee, only one primary election has been held in Puerto Rico. On 5 November 1999, primaries were held in which voters picked 95 mayoral candidates and 103 legislative candidates — including candidates for Puerto Rico's non-voting seat in the United States Congress — to determine the candidates for the general election scheduled for November 2000.

19. The two dominant political parties within which these candidates were chosen are the PNP and the Partido Popular Democrático (PPD). The latter, which opposes all efforts for statehood, is trying to unseat Governor Roselló's PNP in the forthcoming general election. There were no gubernatorial primaries, however. Then-Secretary of Transportation and Public Works, Carlos Pesquera, and San Juan Mayor Sila María Calderón, were nominated unopposed by the ruling PNP and the opposition PPD, respectively. A third political party, the Puerto Rican Independence Party (PIP), did not hold primaries either; instead, a general assembly held by the party in the summer of 1999 ratified the election slate, headed by then-Senator Rubén Berríos-Martínez as the gubernatorial nominee.[14]

20. Two types of human rights issues concerning Puerto Rico have been previously brought before the Special Committee. The first relates to the presence of United States military forces on the island of Vieques (see paras. 24-30), which some petitioners to the Special Committee have claimed impedes the exercise of self-determination.

21. The second issue has concerned the imprisonment of 15 Puerto Rican prisoners in the United States accused of seditious conspiracy and weapons possession. The prisoners were members of the Armed Forces of National Liberation (FALN) and the

Macheteros, two clandestine revolutionary organizations that advocate Puerto Rico's independence from the United States. In past years, the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners, and a number of political, civic and religious leaders claimed that the prisoners, most of whom were detained 18 years ago for political crimes, received disproportionately high sentences. There was a growing consensus, which included former presidents of the Puerto Rican Bar Association, religious organizations and representatives of all political ideologies, that these prisoners should be released in the interests of human rights.[15]

22. In August 1999, United States President Bill Clinton offered amnesty to the prisoners, on condition that they formally renounce violence and refrain from associating with convicted felons.[16] On 9 September 1999, it was reported that 11 of the prisoners had accepted the clemency deal. A twelfth prisoner, jailed in connection with additional crimes, accepted a deal that would free him in five years.[17]

23. A third major human rights-related concern has developed around the United States Government's pursuit of the death penalty in the United States District Court in San Juan in the cases of 13 Puerto Ricans. Puerto Rico banned capital punishment in 1929, and the Commonwealth's Constitution approved in 1952 expressly prohibits the death penalty. The United States Congress passed laws reinstating the penalty for drug kingpins in 1984, and extended its reach still further to punish 60 crimes by 1992. Although five of these cases have ended with pleas for dismissals, eight remain pending before the District Court. These figures place Puerto Rico among the highest per capita federal death penalty defendants of any state or territory, surpassed only by Washington, D.C., Virginia and New Mexico. Anti-death penalty advocates have argued this form of punishment to be unjust in Puerto Rico, since it is prohibited by the Constitution and voters lack voting representation in the United States Congress.[18]

B. Military developments

24. Puerto Rico has an important military-strategic position in the Caribbean as part of the United States Southern Command. Its military importance for the United States has recently heightened, owing to the formal transfer of the Panama Canal Zone to the Republic of Panama on 31 December 1999[19] and the subsequent relocation of the headquarters of United States Army South from Panama to Fort Buchanan in Puerto Rico.[20]

25. In addition, in 1941 the United States has maintained military installations on the island of Vieques, two thirds of which is owned by the United States Navy. The Western portion serves as an ammunition storage area, while the Eastern portion, Camp Garcia, is used for carrying out bombing and amphibious manoeuvres. The approximately 9,300 local residents live in the area between the two portions. The Navy's facilities on Vieques occupy the largest area in the Western Hemisphere for such exercises with live ammunition, and the only place where bombing occurs near a large civilian population.[21] In recent years, grass-roots groups and environmental organizations have increased their protests against the Navy's presence on Vieques, alleging abnormally high rates of cancer, among other adverse health effects in the area, as a possible result of toxic materials released by the bombs exploded on the island. On 19 April 1999, a 500-pound bomb missed its target during a live exercise, killing one Puerto Rican and injuring three others. According to press reports, hundreds of Puerto Ricans protested the military's presence on the island in the wake of the accident and the Governor sent a letter to the President of the United States requesting that the exercises be halted.[22] According to press reports, shortly afterwards, the Navy admitted that, in February 1999, it had mistakenly fired 263 rounds of bullets made from depleted uranium, the use of which was strictly prohibited on the range.[23]

26. On 11 June, at the behest of President Clinton, the United States Department of Defense announced the formation of a special panel to evaluate the need for continued use of live ordnance on Vieques. Chaired by the Principal Deputy Assistant Secretary of Defense for Force Management Policy, Frank Rush, the Special Panel for Military Operations in Vieques held a number of open meetings throughout July and August, and travelled to the island in order to study all aspects of the issue.[24] Specifically, the Panel was asked to: determine the need for the Vieques range and the continued use of live ordnance there; explore whether there are viable alternative locations; study environmental, health and economic impacts on the island; and consider Puerto Rican views. Secretary of

the Navy Richard Danzig also directed the immediate cessation of the use of all live and inert ordnance at Vieques during the period of the comprehensive review. In addition, the Deputy Assistant Secretary of the Navy (Conversion and Redevelopment) was asked to suggest ways to improve the Department of the Navy's fulfilment of the 1983 memorandum of understanding with the Government of Puerto Rico on operations at and assistance to Vieques. The 1983 memorandum of understanding committed the Department of the Navy to strive to better the welfare of those who reside on Vieques by working with commonwealth agencies and groups to seek grants, start-up funds and other financial assistance from federal agencies to support economic development on the island.[25]

27. According to news reports from August 1999 to January 2000, demonstrations continued, despite ongoing negotiations between the United States Government and Puerto Rican officials. On 31 January 2000, in consideration of the Panel's findings,[26] and following an extended period of negotiations, President Clinton announced a new course of action that would enable Puerto Ricans to choose between two policy alternatives to determine the fate of United States military training exercises on the island. A referendum has been scheduled for 1 May 2001, or 270 days prior to or following that date, so that the people of Vieques may cast their votes on the matter.[27] If they choose the first alternative, President Clinton has issued a directive that the United States Navy will cease all training on Vieques and leave the island by 1 May 2003. If the majority chooses the second alternative, training will continue on Vieques on terms that will be presented in detail at least three months before the vote (see annex II for the text of the Presidential directive).[28]

28. President Clinton has ordered that, during the period leading up to the vote, the training done on Vieques is to be limited to non-explosive ordnance. He has also directed the Navy and Marine Corps to cut in half the amount of time they will spend training, which will be limited to a maximum of 90 days in 2000. In order to redress the problems caused by past training, the President has made a commitment to implement measures to meet the health, safety, environmental and economic concerns of the people of Vieques. Those measures include the positioning of United States Navy ships to reduce noise; the development of a new ferry pier and terminal; the creation of a new commercial fishing area; temporary compensation for fishermen; the expansion and improvement of roads; a bioluminescent bay preservation programme; a job-training programme for young people; providing land to extend the airport runway; and the carrying out of a public health services study. Finally, President Clinton has asked Congress to begin transferring the title of 110 acres of land on the western quarter of the island to Puerto Rico.[29]

29. On 21 February 2000, it was reported that as many as 150,000 people assembled in San Juan to protest the United States Navy's offshore bombing manoeuvres from its base in Vieques. Specifically, demonstrators marched to express their dissatisfaction with the accord reached between President Clinton and Puerto Rican Governor Pedro Roselló that permits continued United States military training exercises until the referendum is held in 2001.[30]

30. Throughout the period under review, groups from a broad representation of Puerto Rico's civil society have undertaken civil disobedience exercises in Vieques by setting up camp sites inside military grounds and, specifically, in the firing range area. The purpose of the actions has been to prevent the United States Navy from conducting further military exercises. One of the sites, set up in May 1999, was that of the Puerto Rican Independence Party, whose President and gubernatorial candidate, Rubén Berríos, vowed to remain in the restricted area until the Navy withdrew from the island. A year later, on 4 May 2000, United States marshals and federal agents removed all 216 persons from the area. Among those detained were two Democratic Party members of the United States Congress, Representatives Luis Gutiérrez and Nydia Velázquez,[31] and gubernatorial candidate Berríos. Four days after the occupation was ended, the Navy resumed air-to-ground training exercises on Vieques, using dummy bombs.[32] In spite of the arrests made on 4 May, people from all sectors of society have continued to defy the prohibition on entering military installations. As at 1 June, the total number of people that had been arrested was 316.[33] Many of those initially arrested have returned to the sites, thus sustaining the protest movement and creating a logjam in the federal courts. So far, sentences for trespassing have been limited to several hours in federal holding cells.

C. Crime prevention

31. Puerto Rico's geographic location makes it particularly susceptible to being used as a trans-shipment point for drugs. In the late 1980s, narcotrafficking escalated in Puerto Rico, bringing with it a dramatic increase in violent crime and illegal drug use. This, in turn, has influenced the incidence of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS): the Territory has one of the highest AIDS incidence rates in the United States, 53.3 cases per 100,000 inhabitants, about 65 per cent of which are injection-related).[34] Together with the United States Virgin Islands, Puerto Rico is considered a high-intensity drug-trafficking area, particularly as regards the importation of cocaine and heroin en route to the United States. Just after resigning as Puerto Rico's Attorney General, José Fuentes Agostini told the House Committee on Government Reform, during a hearing in January 2000, that the island's anti-drug efforts had been stymied by an overburdened federal court system and shortages in personnel and response equipment. Owing to these limited capabilities, Puerto Rican authorities had been unsuccessful in deterring drug suppliers from Colombia and the Dominican Republic.[35] According to the United States Department of Justice's Drug Enforcement Administration (DEA), those cartels smuggle the drugs into Puerto Rico in "go-fast" boats, and repackage and ship them to the continental United States by way of containerized maritime cargo ships or routine commercial air flights.[36]

32. In further testimony before the House Committee, a DEA official from the San Juan field division not only echoed those challenges but outlined the United States Government's major initiatives and enforcement operations to combat these drug-trafficking activities. Those efforts include several specialized task forces, a more sophisticated drug intelligence and communications system and strengthened cooperation with law enforcement operations in the region.[37]

IV. Previous action taken by the United Nations

A. General

33. Information on action taken by United Nations bodies with respect to Puerto Rico prior to 1974 is contained in the 1973 report of the Rapporteur (A/AC.109/L.976). Information on action taken between 1974 and 1985 is contained in the report of the Rapporteur on the implementation of the Committee's decision of 7 September 1976 concerning Puerto Rico (A/AC.109/L.1191 and Add.1), covering the period from 1974 to 1976; the report of the Rapporteur on the implementation of the Committee's resolution of 12 September 1978 concerning Puerto Rico (A/AC.109/L.1334 and Add.1-3), covering the period from 1977 to 1978; the report of the Rapporteur submitted in pursuance of the Special Committee's resolution of 20 August 1981 concerning Puerto Rico (A/AC.109/L.1436), covering the period from 1979 to 1981; and the report of the Rapporteur submitted in pursuance of the Special Committee's decision of 23 August 1984 concerning Puerto Rico (A/AC.109/L.1572), covering the period from 1981 to 1985. Information on action taken between 1984 and 1998 is contained in the report of the Rapporteur on the implementation of the Committee's decision of 11 August 1998 concerning Puerto Rico (A/AC.109/1999/L.13). Supplementary information on action taken during 1999 is set forth below:

B. Action taken by the Special Committee

34. At its 11th and 12th meetings, on 6 July 2000, the Acting Chairman drew attention to an aide-mémoire containing a list of organizations that had requested to be heard by the Committee concerning the item, as well as to a report prepared by the Rapporteur of the Special Committee on the item. At the same meetings, the Special Committee agreed to accede to those requests and heard representatives of the organizations concerned (see A/AC.109/1999/CRP.4).

35. At the 11th meeting, on 6 July 1999, a statement was made by Governor Pedro Roselló. At the same meeting, statements were also made by Licenciado Eduardo Villanueva Muñoz, on behalf of the Colegio de Abogados de Puerto Rico; Reverend Eunice Santana, on behalf of the Commission of Churches on

International Affairs; Jorge Farinacci García, on behalf of the Frente Socialista; Juan Mari Brás, on behalf of the Causa Común Independentista-Proyecto Educativo; Fernando Martín, on behalf of the Puerto Rican Independence Party; Ismael Guadalupe, on behalf of the Comité Pro Rescate y Desarollo de Vieques; Wilfredo Santiago-Valiente, on behalf of Statehooders Organization of New York, Inc.; Wilma Reveron Collazo, on behalf of the Congreso Nacional Hostosiano; Nilda Luz Rexach, on behalf of the National Advancement for Puerto Rican Culture; and Marisol Corretjer, on behalf of the Partido Nacionalista de Puerto Rico (see A/AC.109/1999/SR.11).

36. At the 12th meeting, statements were made by José I. Adames, on behalf of Al Frente, Salvador Vargas, Jr., on behalf of Concerned Puerto Rican Americans, José J. Rivera, on behalf of Estadidad 2000, Lolita Lebrón, on behalf of Puerto Rico, Mi Patria, Vanessa Ramos, on behalf of the Asociación Americana de Juristas, Olga V. Pabon Cintron, on behalf of Gran Oriente Nacional de Puerto Rico, Julio A. Muriente Pérez, on behalf of Nuevo Movimiento Independentista Puertorriqueño, J. M. Rivera-Arvelo, on behalf of U.S. Statehood, Inc., Martín Koppel, on behalf of the Socialist Workers Party in the United States, and Zoé Lugo-Mendoza, on behalf of the Vieques Support Campaign (see A/AC.109/1999/SR.12).

37. At the 11th and 12th meetings, the representatives of Fiji, Côte d'Ivoire, Cuba and Iraq, as well as the Chairman, posed questions to some of the petitioners (see A/AC.109/1999/SR.11).

38. At the same meeting, a statement on a point of order was made by the representative of Cuba (see A/AC.109/1999/SR.11).

39. At the 12th meeting, the representatives of Côte d'Ivoire and Cuba posed some questions to some of the petitioners (see A/AC.109/1999/SR.12).

40. At the same meeting, statements on a point of order were made by the representatives of Côte d'Ivoire and Cuba (see A/AC.109/1999/SR.12).

41. Also at the same meeting, the Rapporteur of the Special Committee introduced the report he had prepared on Puerto Rico (see A/AC.109/1999/L.13).

42. At the 12th meeting, the representative of Cuba introduced draft resolution A/AC.109/L.6, to which he made an oral revision (see A/AC.109/1999/SR.12). At the same meeting, the representative of Bolivia made a further amendment to the revision introduced by the representative of Cuba (see A/AC.109/1999/SR.12). Statements were made by the representatives of Chile, Papua New Guinea, the Russian Federation, Cuba, Côte d'Ivoire, the United Republic of Tanzania, Bolivia and Sierra Leone and by the Chairman (see A/AC.109/1999/SR.12).

43. At the same meeting, the Committee adopted draft resolution A/AC.109/1999/L.6, as orally revised, by a roll-call vote of 12 votes to none, with 5 abstentions (see A/AC.109/1999/SR.12).

44. After the vote, the representative of Venezuela made a statement of explanation of vote (see A/AC.109/1999/SR.12). The Acting Chairman made statements (see A/AC.109/1999/SR.12).

45. Resolution A/AC.109/1999/28 was adopted by the Special Committee at its 12th meeting, on 6 July 1999. It read as follows:

"*The Special Committee*,

"*Bearing in mind* the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the resolutions and decisions of the Special Committee concerning Puerto Rico,

"*Considering* that the decade of the 1990s was proclaimed by the General Assembly, in its resolution 43/47 of 22 November 1988, as the Decade for the Eradication of Colonialism, and the seventeen resolutions and decisions adopted by the Special Committee on the question of Puerto Rico, contained in the reports of the Special Committee to the General Assembly,

"*Recalling* that 25 July 1999 marks the one hundred and first anniversary of the intervention in Puerto Rico by the United States of America,

"*Recalling* the diverse initiatives taken by the political representatives of Puerto Rico and the United States in the past ten years, which have not expedited the process of decolonization of the people of Puerto Rico,

"*Aware* that Vieques Island, Puerto Rico, has been used for over fifty years by the United States Marines to carry out military manoeuvres, thus limiting access by the civilian population to

a space scarcely a quarter of the island, and having an impact on the health of the population, the environment and the economic and social development of the Territory,

"*Noting* the consensus among the Puerto Rican people on the urgency to halt military manoeuvres on Vieques Island and on the return of occupied land to the people of Puerto Rico,

"*Also noting* the consensus among the people of Puerto Rico in favour of the release of Puerto Rican prisoners who, for more than fifteen years, have been serving sentences in United States prisons on cases related to the struggle for Puerto Rico's independence,

"*Having heard* statements and testimonies representative of various viewpoints among the people of Puerto Rico and their social institutions,

"*Having considered* the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico (A/AC.109/1999/L.13),

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

"2. *Reiterates* that the Puerto Rican people constitute a Latin American and Caribbean nation that has its own and unequivocal national identity;

"3. *Reaffirms its hope*, and that of the international community, that the Government of the United States of America will assume its responsibility of expediting a process that will allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee on Puerto Rico;

"4. *Encourages* the Government of the United States, in line with the need to guarantee to the Puerto Rican people their legitimate right to self-determination and the protection of their human rights, to order the halt of its armed forces military drills and manoeuvres on Vieques Island and to return the occupied land to the people of Puerto Rico;

"5. *Expresses the hope* that the President of the United States will consider favourably the request before him to release the Puerto Rican prisoners serving sentences in United States prisons on cases related to the struggle for the independence of Puerto Rico;

"6. *Notes with satisfaction* the report prepared by the Rapporteur (A/AC.109/1999/L.13), in compliance with its resolution of 11 August 1998;[38]

"7. *Requests* the Rapporteur to report to the Special Committee in 2000 on the implementation of the present resolution;

"8. *Decides* to keep the question of Puerto Rico under continuous review."

C. Action taken by the General Assembly

46. During the forty-fourth session of the General Assembly, no draft resolution was submitted on this issue to the Assembly for action. Introducing the report of the Special Committee at the 71st meeting of the General Assembly on 6 December 1999, the Rapporteur of the Special Committee stated:

> "This year, the Special Committee, pursuant to its decision of 11 August 1998 concerning Puerto Rico, considered a report on this issue and adopted resolution A/AC.109/1999/28. By the terms of its resolution, the Special Committee reaffirmed the hope that the Government of the United States of America will expedite a process that will allow the people of Puerto Rico to fully exercise their inalienable right to self-determination and independence, in conformity with resolution 1514 (XV) and resolutions and decisions of the Special Committee on Puerto Rico. It also encouraged the Government of the United States to order the halt of its armed forces military drills and manoeuvres on Vieques island and to return the occupied land to the people of Puerto Rico."[39]

V. Question of political status: views of the parties concerned

47. A detailed account of developments pertinent to the question of political status prior to the period under review are contained in the following reports for the corresponding periods: A/AC.109/L.1334, paragraphs 57 to 82 (1959-1979); A/AC.109/L.1436, paragraphs 67 to 81 (1979-1982); and A/AC.109/L.1572, paragraphs 73 to 120 (1982-1985). The Rapporteur's previous in-depth report on Puerto Rico (A/AC.109/1999/L.13, paras. 169-180) covered the period from 1985 to 1998 and provided details on the general elections of 1988, 1992 and 1996, and on the two status plebiscites held in 1993 and 1998.

A. United States of America

48. Since 1953, the United States has maintained a consistent position regarding the status of Puerto Rico and the competence of United Nations organs to examine that status. By resolution 748 (VIII) of 27 November 1953, the General Assembly released the United States from its obligations under Chapter XI of the Charter of the United Nations. Since then, the United States has maintained that Puerto Rico has exercised its right to self-determination, has attained a full measure of self-government, has decided freely and democratically to enter into a free association with the United States and is, therefore, as stated explicitly in resolution 748 (VIII), beyond the purview of United Nations consideration. At the fifty-first session of the General Assembly, the representative of the United States stated in the Fourth Committee that the political status of Puerto Rico had been examined at repeated plebiscites. The results of those plebiscites had shown that there were few supporters of independence in Puerto Rico. The vast majority of Puerto Ricans supported the status quo, which meant that the issue had no bearing on the work of the Committee.[40]

49. On 27 February 1997, a bill (House resolution 856, also known as the "Young bill" after its sponsor, Don Young) was introduced in the United States Congress in relation to the proposed 1998 plebiscite in Puerto Rico. If passed, the bill would have required the President of the United States to develop and submit to Congress for approval a transition plan of not more than 10 years, which would lead to full self-government for Puerto Rico. If the plebiscite indicated a majority approval for statehood, the bill would have required the aforementioned transition plan, *inter alia*, to include the effective date of Puerto Rico's incorporation into the United States within 10 years. The Young bill thus effectively bound the United States Government to the results of the plebiscite. The Act was adopted by the House of Representatives on 4 March 1998 by a vote of 209 to 208. However, it was not acted upon by the Senate before the end of the session of Congress and thus expired.

50. Despite the failure of Congress to bind the United States Government to the results, the plebiscite was held as scheduled on 13 December 1998, with 71 per cent of the electorate participating. The results were as follows: 50.4 per cent for "none of the above", 46.7 per cent for statehood, 2.3 per cent for independence, 0.3 per cent for free association, and 0.06 per cent for commonwealth status. Upon announcement of the results of the 1998 plebiscite, President Clinton said that he would work with Congress and Puerto Rico's leaders "to enable Puerto Ricans to clarify their choice among the options" and said that he remained "committed to implementing a majority choice for Puerto Rico's future status".[41]

51. Additional background information on the views and positions of the United States since 1953, including perspectives offered by officials of the legislative branch and decisions of the judicial branch of the United States Government, is reflected in the report for 1999 (A/AC.109/1999/L.13).

B. Puerto Rico

52. In March 2000, the Special Committee addressed identical letters to several political parties in Puerto Rico, as well as certain organizations that had previously communicated with the Special Committee on the subject, inviting them to transmit to the Rapporteur their views on developments related to Puerto Rico which have taken place since last year's report (see annex I for a list of the organizations contacted). A similar letter was sent to the Representative of the United States to the United Nations requesting that country's views on such developments.

53. The texts of the replies received are presented below.

54. On behalf of the Ateneo Puertorriqueño, Eduardo Morales Coll, President of the institution, wrote:

> "Puerto Rico still has two problems, very intimately related, but separate problems: (a) its final political status; and (b) its colonial status. As long as United States and Puerto Rican politicians insist on solving our colonial problem by first deciding the final political status problem, neither of the two problems will ever be solved. It is obvious that there is no consensus and that Puerto Ricans will forever be divided on their preferences for a final political status. It is also obvious that there will never be a vote with a substantial majority in favor of any political status alternative, at least for many years to come.
>
> "Meanwhile, it is against the Charter of the United Nations and against resolution 1514 (XV) (among others), that the United States continues to exercise political power over its Puerto Rican colony. The United States is illegally and immorally taking advantage of this situation to perpetuate its actual imperial-colonial relationship with Puerto Rico. The situation appears to be a no-exit cubbyhole, but it is not. The solution can be found in deciding what should be done first, between solving the colonial power problem and solving the final political status problem. I think the colonial problem should be solved first, and I follow with my how and why. The colonial problem must be solved first by urging the United States to recognize the full sovereignty of the Puerto Rican people. This recognition can be unilaterally made by the United States upon reasonable terms, in an all-encompassing plan to be supervised by the United Nations. The plan should include, among other things, a mechanism to eventually solve the Puerto Rican final political status problem, such as the following: as soon as Puerto Rico is in full enjoyment of its sovereignty, then the United States can give our people a specific time to come to Congress with a proposition for statehood, for free association or for any other alternative. By that time, the colonial situation will already have been solved and we should only be moving towards defining our final political status. If no proposition for statehood, free association or any other proposition is brought to Congress within the time given, or if any such proposition is brought but not accepted by Congress, then independence becomes final and both the colonial and the final political status problems will have been solved. If any one of such propositions for statehood, free association or other is adopted in Puerto Rico and brought to Congress within the given time limit and is accepted by Congress, then the proposition adopted and accepted becomes final and, again, both the colonial and the final political status problems will also have been solved.
>
> "Prior transfer of sovereignty to Puerto Ricans is the only road towards solving both problems because it is the only one that grants the flexibility to be changed to a different status to become permanent upon adoption and acceptance. It is also the only manner in which both problems can be solved, even in a situation where nothing happens. Statehood cannot be a transition status that can be changed in the future, even though it may eventually be the solution for both problems. The present commonwealth status may seem, at a first glance, to be a flexible status that could eventually be changed into a final status, but it is, precisely, the colonial status that has taken us nowhere in solving our colonial and final political status problems.
>
> "I have already sent this new perspective to Congress. It is now for them to set the rules to implement it and for the United Nations to exercise its most persuasive efforts so that it will be implemented. I think the United Nations can and should help in this endeavor. Meanwhile, I reaffirm my prior requests to the United Nations that Puerto Rico be brought back to the list of colonial territories for which reports must be filed by States exercising political powers over them."

55. On behalf of the Colegio de Abogados de Puerto Rico, Eduardo Villanueva Muñoz, President of the institution, wrote:

> "... Resolution A/AC.109/1999/28 concerning Puerto Rico, adopted by the Special Committee on Decolonization, approved the liberation of our political prisoners and the withdrawal of the United States Navy's military intervention from Vieques without any more bombing. It also recognized the legitimate right of Puerto Rico to self-determination. Since June

1999, those parts of the resolution mentioned above have not been implemented in full for the following reasons:

"(a) There are still five Puerto Rican political prisoners in federal jails in the United States. The United States Government has not expressed any intention to free them;

"(b) In relation to the issue of Vieques, as part of the White House resolution, the President intends to hold a referendum among the Vieques residents with only two alternatives, both including the continuance of bombing on the island;

"(c) The federal Government has the intention to implement capital punishment for 10 Puerto Rican prisoners in the federal prison on Puerto Rico, through federal legislation, even though capital punishment is prohibited by our Constitution.

"Public opinion in Puerto Rico is against the implementation of capital punishment and forcefully requests the immediate withdrawal of the United States Navy from Vieques. Public opinion regarding Vieques was clearly manifested on 21 February 2000 in one of the largest civic demonstrations in Puerto Rican history, by the indisputable consensus in favor of peace and the permanent end to military practices on the island. The United States Government is still violating Puerto Rico's right to self-determination in all its internal issues. With these actions, the United States Government also violates several international treaties which recognize that the Commonwealth of Puerto Rico has the right of self-determination. This attitude is reflected in recent United States Supreme Court decisions in which Puerto Rico is considered a territory of the United States."

56. On behalf of the Partido Nacionalista de Puerto Rico, Linda Backiel listed four issues of concern:

"1. ... Vieques remains captive to United States military forces. On 31 January 2000, United States President Clinton rejected the principal demand of the people of Puerto Rico regarding the use of the island municipality of Vieques for military purposes. Non-self-executing "Presidential directives" establish: (a) a minimum of three more years of bombing with "inert" weapons, limited to 90 days a year, in exchange for a request for Congressional authorization of $40,000,000 for infrastructure improvements and the return of 8,000 cuerdas of land; (b) a referendum on continued Navy bombing, after its resumption.

"The referendum, to be scheduled by the Navy, is incompatible with the announced public policy of Puerto Rico requiring the immediate and permanent cessation of military training in Vieques and the return of all Vieques land claimed by the Navy. It will offer (a) an end to the bombing within three more years, or (b) indefinite bombing of Vieques with "live" weapons, for an additional $50,000,000. The Navy acknowledges that the referendum was designed to improve its chances of keeping what it calls its "crown jewel"— the Vieques "Atlantic Weapons Training Field" — which it maintains is "indispensable" to the national security of the United States.

"Close to a quarter of a million Puerto Ricans marched in protest in what Police Superintendent Pedro Toledo recognized was the largest march in Puerto Rico's history. Between 100 and 200 people remain camped in over a dozen camps within the Navy-occupied bombing range set up by residents of Vieques, labor unions, the Catholic diocese responsible for Vieques, and others.

"2. A Chief of the Federal Bureau of Investigation (FBI) admits violation of the rights of Puerto Ricans. In response to questions from the Mayagüez-born United States Congressman José Serrano, FBI Director Louis Freeh admitted that his agency had used illegal and violent tactics in its "dirty war" against Puerto Rican *independentistas*. He nonetheless referred only to the discredited "COINTELPRO" programme, which was officially discontinued at the end of the 1970s after its existence was made known by a group of North American anti-war activists.

"Freeh could not answer Serrano's questions about whether the FBI was also responsible for the radiation torture of Puerto Rico's most revered patriot, Pedro Albizu Campos, while he was jailed for his role in the independence

struggle between 1936 and 1964. Nor did he shed any light on the assassinations of the son of independence leader, attorney Juan Mari Bras, Carlos Muñiz Varela or Angel Rodríguez Cristobal, who was murdered while jailed in Tallahassee, Florida, for his participation in peaceful protests against the military occupation of Vieques.

"3. Political prisoners remain to be freed. The people of Puerto Rico rejoiced at the news of the release of 10 of the nation's 16 political prisoners, while denouncing the 14 rigid conditions imposed on them. These included forbidding two sisters who had been together in jail see each other upon release and requirements that all sign documents disavowing armed struggle and that those released provide urine samples on demand and allow federal parole officers into their homes unannounced at any hour of the day or night.

"Still jailed are Oscar López Rivera, Haydee Beltrán, Carlos Alberto Torres, Juan Segarra Palmer and Antonio Camacho Negrón. Camacho and López rejected offers of conditional clemency. Segarra Palmer accepted, but will not be eligible for release for another five years. Torres' clemency petition was denied, and Beltrán did not apply.

"The case of Professor José Solís Jordán is presently on appeal following a verdict last year by a jury from which prosecutors systematically eliminated Latinos. The verdict was based upon the word of an alleged accomplice who was never charged with any offence and who received over $118,000 for his testimony. The appeal, which is presently pending, argues that the conviction violates peremptory norms of international law.

"4. San Juan as the death-penalty capital. The San Juan United States Attorney's office has sought authorization for capital punishment of 13 Puerto Ricans in the United States District Court in San Juan, making it one of the five cities with the largest number of such cases, behind jurisdictions in New York, Texas, Virginia and New Jersey. Puerto Rico's Constitution prohibits this fundamental violation of a citizen's right to life and security, demonstrating once again the devastating effect of colonialism on human rights."

57. On behalf of the Partido Popular Democrático (PPD), Sila M. Calderón, President of the Party and its candidate for Governor, wrote:

"With regard to the situation in Vieques, we still do not have a solution to this terrible situation. I applaud the efforts by the Special Committee on Decolonization to convince the United States to cease dangerous military manoeuvres in this small island. I am hopeful that just as the President reacted favorably to the Special Committee's petition — and that of countless others — to release the pro-independence political prisoners, he will hear the Special Committee's call on the issue on Vieques.

"President Clinton made significant progress when he recognized that the United States Navy had to leave Vieques, but the solution he proposed will still have the Navy training in Vieques for three more years, albeit with inert ordnance only. I have written to the President requesting that the people of Vieques be given the opportunity, as soon as possible, to vote on whether they want the Navy to remain in Vieques. The President has reaffirmed his position that the Navy must use Vieques for three more years, but the rationale of this position becomes less and less tenable as time goes by and the United States Navy is able to prepare its forces without using Vieques.

"While we recognize that the Navy training in Puerto Rico is essentially a domestic matter, we believe that whenever human rights and the dignity of men and women are at issue, international organizations such as the United Nations should become involved. Accordingly, I request that the Special Committee on Decolonization give its strongest condemnation to the continuance of military practices in Vieques.

"With regard to Puerto Rico's political status, I believe that any action by the United Nations must begin with a recognition that after the Constitution of the Commonwealth of Puerto Rico came into effect as part of a compact between the people of Puerto Rico and the United States, the General Assembly approved in 1953 resolution 748 (VIII), recognizing that Puerto

Rico had achieved 'the status of self-government ... of an autonomous political entity', which warranted removing Puerto Rico from the list of non-self-governing territories. That removal was subsequently ratified in 1963 when the General Assembly approved a revised list of territories to which resolution 1514 (XV) of 1960 applied, and the Commonwealth of Puerto Rico was not included as part of that list. Since it has never been repealed or revoked, resolution 748 (VIII) remains in full force and effect.

"Resolution 748 contains an assurance that the United States will give due regard to the will of the Puerto Rican people in the eventuality they desire 'any change in the terms of the association'. There is no doubt that over the years, the United States has been less than fully responsive in addressing legitimate desires for change from Puerto Rico. The Decolonization Committee should recognize, however, that over the last seven years, the problem has not been the United States, the problem has been the pro-annexation Government in Puerto Rico, which has attempted to thwart the will of the Puerto Rican people on several occasions by forcing processes designed to give the annexation option an artificial boost. This has not worked, of course, and the people of Puerto Rico have continued to reject federated statehood as an option. Self-determination is a two-way street. If the Government of the Commonwealth of Puerto Rico does not act in ways that are consonant with a self-determination process that respects all political parties, we can hardly blame the United States Government for its inaction.

"In evaluating the events over the last year, the Decolonization Committee should also recognize that we are approaching elections this year in both Puerto Rico and in the United States, where there will be new Governments elected regardless of the outcome. Accordingly, it would not be useful to revisit the political status issue during this electoral year. If I am elected Governor in November, I intend to engage the people of Puerto Rico in a quest, through a procedural consensus among the three political parties in Puerto Rico, the new President and the Congress, for resolving this issue. My advice to the Decolonization Committee at this point would be to limit its review of the situation in Puerto Rico to the Vieques issue."

Notes

[1] Ivonne Acosta, *La Mordaza: Puerto Rico, 1948-1957* (Rio Piedras, Editorial Edil, 1989), p. 13.

[2] The United States Congress made ratification of the Puerto Rican Constitution conditional on the elimination of section 20 of the proposed bill of rights. Section 20 recognized, *inter alia*, rights to social protection in the event of unemployment, sickness, old age or disability, the right to obtain work, the right to an adequate standard of living and the rights of mothers and children to special care and assistance. José Trias Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven: Yale University Press, 1997), pp. 114 and 117.

[3] The Economist Intelligence Unit, Country Profile, Puerto Rico 1998-1999.

[4] The Economist Intelligence Unit, "Puerto Rico Economy: Business Outlook", November 1998.

[5] *Oxford Analytica*, 5 May 2000.

[6] The Economist Intelligence Unit, Country Briefing, "Puerto Rico Economy: Growth Despite Manufacturing Slump", 24 November 1999.

[7] The Economist Intelligence Unit, Country Briefing, 12 August 1999.

[8] Ibid., 24 November 1999.

[9] Ibid., 12 August 1999.

[10] The Economist Intelligence Unit, "Puerto Rico: Country Outlook", 18 February 2000.

[11] *World Outlook*, Economist Intelligence Unit Views Wire, 20 and 30 December 1999.

[12] *Political Resources on the Net — Puerto Rico*, AgoràTelematica News Service.

[13] Ibid.

[14] Written correspondence with staff of Puerto Rico State Elections Commission.

[15] A/AC.109/1999/L.13.

[16] Press briefing by White House Press Secretary Joe Lockhart, 7 September 1999.

[17] *Royal Gazette*, 9 September 1999.

[18] *Orlando Sentinel*, 26 March 2000.

[19] The White House, Office of the Press Secretary, Statement by the President, 14 December 1999.

[20] *Oxford Analytica*, 5 May 2000.

[21] *Orlando Sentinel*, 24 April 1999.

[22] Ibid., 9 May 1999.

[23] *Newsday*, 7 June 2000.

[24] Memorandum for correspondents No. 136-M, United States Department of Defense, 26 August 1999.

[25] News release No. 292-99, Office of the Assistant Secretary of Defense for Public Affairs, United States Department of Defense, 11 June 1999.

[26] United States Department of Defense news briefing, 7 December 1999.

[27] Remarks by President Clinton to the people of Puerto Rico concerning navy training on Vieques, Office of the Press Secretary, the White House, 1 February 2000.

[28] United States Presidential directive to the Secretary of Defense and Director of Office of Management and Budget, resolution regarding use of range facilities on Vieques, Puerto Rico (referendum), White House Office of the Press Secretary, 31 January 2000 (see annex II for full text).

[29] Ibid.

[30] *Agencia EFE News Service*, 21 February 2000.

[31] *Miami Herald*, 4 May 2000.

[32] *Reuters*, 8 May 2000.

[33] *Reuters*, 1 June 2000.

[34] *Journal of the American Medical Association*, JAMA/HIV/AIDS, vol. 5, No. 3, May/June 99; and Safeworks Aids project, www.safeworks.org.

[35] *Orlando Sentinel*, 7 January 2000.

[36] Drug Enforcement Administration, United States Department of Justice.

[37] Congressional testimony, House Government Reform Committee, 4 January 2000.

[38] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 23* (A/53/23), chap. I, para. 41.

[39] A/54/PV.71.

[40] See A/C.4/51/SR.4, para. 54.

[41] *Statement by the President*, the White House, Office of the Press Secretary, 14 December 1998.

Annex I

Organizations contacted to provide updated information on self-determination and independence with respect to Puerto Rico

Ateneo Puertorriqueño

Colegio de Abogados de Puerto Rico

Comite Pro Rescate y Desarollo de Vieques

Congreso Nacional Hostosiano

Instituto Caribeño de Acción y Formación Ecuménica

Nuevo Movimiento Independentista Puertorriqueño

Partido Independentista Puertorriqueño

Partido Nacionalista de Puerto Rico

Partido Popular Democrático

Unión Nacional Pro-Patria

Annex II

United States Presidential directive dated 31 January 2000 to the Secretary of Defense and Director of the Office of Management and Budget, Resolution regarding use of range facilities on Vieques, Puerto Rico (referendum)

By virtue of the authority vested in me and in order to further the interests of national security and to address the legitimate interests and concerns of the residents of Vieques and the people of Puerto Rico, I hereby direct the following:

1. The future of Navy training on Vieques will be determined by a referendum of the registered voters of Vieques, using Puerto Rico electoral laws and regulations as they exist as of the date of this directive. This referendum will occur on 1 May 2001, or 270 days prior to or following 1 May 2001, the exact date to be specified on the request of the Department of the Navy. (This specified date and the terms of the referendum must be requested at least 90 days in advance of the referendum.) It is understood that the full implementation of this directive is contingent upon the Government of Puerto Rico authorizing and supporting this referendum, and the cooperation of the Government of Puerto Rico as specified in paragraph 5 (a).

2. This referendum will present two alternatives. The first shall be that the Navy will cease all training not later than 1 May 2003. The second will permit continued training, to include live fire training, on terms proposed by the Navy. Live fire training is critical to enhance combat readiness for all our military personnel and must occur in some location.

3. In the event the referendum selects the option of termination of Navy activities, then

(a) Navy lands on the eastern side of Vieques (including the eastern manoeuvre area and the live impact area) will be transferred with one year of the referendum to the General Services Administration (GSA) for disposal under the Federal Property and Administrative Services Act, except for conservation zones, which will be transferred to the Department of the Interior for continued preservation;

(b) The GSA will supervise restoration of the lands described in section 3 (a) consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) before it is further transferred under the Federal Property and Administrative Services Act, except that the live impact area will be swept for ordnance and fenced to meet the same range standards used after the closure of the live impact area used by Naval Air Station, South Weymouth, Massachusetts. The Government of Puerto Rico may request transfer of the restored lands in accordance with the Federal Property and Administrative Services Act;

(c) Under no conditions will the land described in this section be returned to the Department of Defense or used for military training.

4. In the event the referendum selects the option of continued training submitted by the Navy, the Office of Management and Budget will request congressional funding to further provide for the enhancement of infrastructure and housing on the western portions of Vieques in the amount of $50 million.

5. Between the date of this directive and the referendum, the following will occur:

(a) The Department of Defense and the Government of Puerto Rico will work in cooperation with relevant Federal authorities to ensure that the integrity and accessibility of the range is uninterrupted and that trespassing and other intrusions on the range cease entirely by providing complementary support among Federal and Puerto Rican jurisdictions;

(b) Navy training on Vieques will recommence, but it shall not exceed 90 days per calendar year and will be limited to non-explosive ordnance, which may include spotting devices;

(c) The Navy will ensure that procedures are in place that will enhance safety and will position ships to reduce noise in civilian areas whenever possible;

(d) Before any major training occurs on the range, the Government of Puerto Rico, through its Secretary of State, will be given 15 days notification

under the terms of the memorandum of understanding of 1983;

(e) The Office of Management and Budget will initiate a funding request to the Congress:

(1) To fund a Public Health Service study in coordination with appropriate agencies to review health concerns raised by the residents of Vieques;

(2) To complete the conveyance of 110 acres of Navy property to extend the runway at the Vieques Municipal Airport to accommodate larger passenger aircraft; and for the Navy to provide training and supplemental equipment to bolster the airport fire, safety and resource capability;

(3) To maintain the ecosystem and conservation zones and implement the sea turtle, sea mammal and brown pelican management plans as specified in the memorandum of understanding of 1983;

(f) Within 30 days of this directive, the Navy will submit legislation to the Congress to transfer land on the western side of Vieques surrounding the Naval Ammunition Facility (except 100 acres of land on which the ROTHR and Mount Pirata telecommunications sites are located). The legislation submitted will provide for land transfer not later than 31 December 2000. This transfer will be to the Government of Puerto Rico for the benefit of the municipality of Vieques as determined by the Planning Board of the Government of Puerto Rico. This land shall be restored consistent with CERCLA standards prior to transfer.

6. The Director of the Office of Management and Budget shall publish this directive in the Federal Register.